

**RULES
OF
THE TENNESSEE DEPARTMENT OF HUMAN SERVICES
FAMILY ASSISTANCE DIVISION**

**CHAPTER 1240-01-03
NON-FINANCIAL ELIGIBILITY REQUIREMENTS**

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1240-01-03-.01 NON-FINANCIAL ELIGIBILITY REQUIREMENTS. Every applicant and recipient of AFDC and Food Stamps must meet certain technical eligibility requirements other than financial eligibility.

Authority: T.C.A. § 14-8-106 and 45 C.F.R. 224.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-01-03-.02 RESIDENCE.

- (1) As condition of eligibility to receive benefits, an HH/AG must reside in Tennessee. Food Stamp recipient must also reside in the county where benefits are received. While AFDC has no county residence requirements, the AFDC application is to be filed in the county of residence for processing purposes.
- (2) No individual may receive benefits as a member of more than one household or aid group or in more than one county or state within the same month with the following exception: For food stamp purposes, an individual or persons may participate as a member of more than one household if such persons are residents of a shelter for battered women and children as defined in 1240-01-08-.01(74) and was a member of a household containing the person who had abused him/her. There is no durational requirement in either AFDC or Food Stamps.
 - (a) Definition of Resident.

(Rule 1240-01-03-.02, continued)

1. Food Stamps. A resident is one who is living in the county in which an application for Food Stamp participation is filed. Residence shall not mean domicile nor shall the county impose any durational residence requirements. Residence shall not mean an intent to permanently reside in the county, however, persons in a county solely for vacations shall not be considered residents. A fixed residence is not required.
2. AFDC. For the purpose of the AFM Program, a resident is defined as one who:
 - (i) Is living in the state (or county) voluntarily with the intention of making his/her home here and not for a temporary purpose. A child is a resident of the state (or county) in which he/she is living other than on a temporary basis. (Persons in the state or county for visits or vacations are not residents.) or one who:
 - (ii) Is living, at the time of application, in the state (or county), not receiving benefits from another locality, and who entered the state (or county) with a job commitment or to seek employment. For this purpose, a child is a resident of the state (or county) where the caretaker is a resident.

Authority: T.C.A. § 14-8-106 and 45 C.F.R. 224.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed April 2, 1982; effective May 17, 1982.

1240-01-03-.03 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-8-106, and 71-1-105; and 45 C.F.R. 224.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.04 TERMINATION OF RESIDENCE.

- (1) Food Stamps. When a Food Stamp recipient leaves a county for any place in the United States and requests case transfer, transfer procedures will be followed.
- (2) AFDC. When an AFDC recipient notifies the department (or it is learned) that he/she is moving out of state, payments must be terminated promptly within current fiscal and notice constraints. If a recipient is moving to another county within the state, the case is to be transferred to the new county.

Authority: T.C.A. § 14-8-106 and 45 C.F.R. 224.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-01-03-.05 REPORTING ADDRESSES. An applicant/recipient may have both a physical address and a mailing address. If the two are different, both addresses will be required. A mailing address only, such as post office box, general delivery or a rural route, will not be sufficient as it does not indicate that the HH/AG resides in the county. If the address is a rural route, information must be given to identify the exact location of the home.

Authority: T.C.A. § 14-8-106 and 45 C.F.R. 224.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-01-03-.06 VERIFICATION.

- (1) Food Stamps.

(Rule 1240-01-03-.06, continued)

- (a) The worker shall verify residence prior to certification except in unusual cases where verification of residency cannot reasonably be accomplished. For example, migrant farmworker households or homeless households newly arrived in a county area may not be able to verify their residency prior to certification.
 - (b) Verification of residency should be accomplished to the extent possible in conjunction with the verification of other information such as, but not limited to, rent and mortgage payments, utility expenses, and identity. If verification cannot be accomplished in conjunction with the verification of other information, the worker shall use a collateral contact or other readily available documentary evidence. Documents used to verify other factors of eligibility should normally suffice to verify residency as well. Any documents or collateral contacts which reasonably establish the applicant's residency must be accepted and no requirement for a specific type of verification may be imposed. No durational residency requirement shall be established.
 - (c) When transfer procedures have not been followed, questions may arise regarding prior participation during the month of application. In all questionable cases, the county should call the Regional EDP Center and request that the information be verified through the CRT terminal or available Authorization to Purchase listing. The worker may also use a simple statement signed by the head of the household attesting to the fact that coupons were not obtained during the month in another county or state and attempt an after the fact verification.
- (2) AFDC. Some evidence of an applicant/recipient's residence is to be required prior to approval and at redetermination.
 - (3) AFDC and Food Stamps. When evidence is necessary to establish residence, documents with the HH/AU's address shall be the primary source of verification although collateral contact and/or home visits may be used if documentary evidence cannot be obtained. Verification shall not be limited to a single document. Assistance must be provided to the HH/AU in obtaining verification if such assistance is needed.
 - (a) Duplicate Addresses. Duplicate addresses constitute questionable circumstances and require verification.
 - (b) Home Visit. Home visits shall be used as verification of residence only if documentary evidence cannot be obtained and the visit is scheduled in advance with the HH/AU.
 - (c) Collateral Contacts. A collateral contact is a confirmation of an HH/AU circumstances by a person outside of the household who is in a position to know the facts. The acceptability of a collateral contact shall not be restricted to a particular individual but may be anyone that can be expected to provide an accurate third party verification of the household's statement.
 - (d) Discrepancies. Where information from another source contradicts statements made by the HH/AU, the HH/AU shall be afforded a reasonable opportunity to resolve the discrepancy prior to an eligibility determination. If discrepancies cannot be resolved in a reasonable period of time, benefits will be denied/terminated.

Authority: T.C.A. §§ 14-8-103, 14-8-106, and 14-27-104; PL 99-198; 51 Federal Register 98 (May 21, 1986); 7 C.F.R. 273.2; 7 C.F.R. 273.3; and 4 C.F.R. 233.40. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 28, 1981; effective October 13, 1981. Amendment filed September 29, 1986; effective December 29, 1986.

1240-01-03-.07 RESERVED.

Authority: T.C.A. § 14-8-106 and 45 C.F.R. 224-50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-01-03-.08 CITIZENSHIP.

- (1) As a condition of eligibility to receive food stamps, an individual must be:
 - (a) A citizen of the United States, or
 - (b) A qualified alien who has been lawfully admitted for permanent residence as described in § 1240-01-03-.12.
 1. The United States is defined as the 50 States and the District of Columbia, Puerto Rico, Guam and the Virgin Islands. In addition, nationals from American Samoa or Swain's Island are considered U.S. citizens for eligibility purposes.
 2. An assistance group (AG) with a member who does not meet one of the above criteria will not prevent the remainder of the food stamp household from applying for benefits and, if eligible, receiving benefits.
- (2) As a condition of eligibility for cash assistance under a program authorized by Title IV-A of the Social Security Act, an individual must be:
 - (a) A citizen of the United States, or
 - (b) An alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law as described in § 1240-01-03-.12.
 1. The United States is defined as the 50 States and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. In addition, nationals from American Samoa or Swain's Island are considered U.S. citizens for eligibility purposes.
 2. An ineligible alien will be excluded from the Families First assistance group, but may receive a grant for children in his/her care if they are eligible.

Authority: T.C.A. §§ 4-5-202, 71-1-105, 71-3-157, and 71-3-158; PL 104-193; 7 C.F.R. 273.4; and 45 C.F.R. 233.30. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repealed and new rule filed April 4, 1997; effective June 18, 1997.

1240-01-03-.09 VERIFICATION OF U.S. CITIZENSHIP. An applicant's statement that he/she and members of the HH/AG are U.S. citizens will be verified only when the statement is questionable.

Authority: T.C.A. § 14-8-106 and 45 C.F.R. 224.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-01-03-.10 METHOD OF VERIFICATION OF U.S. CITIZENSHIP. Acceptable forms of verification of citizenship include birth certificates, religious records, voter registration cards, certificates of citizenship or naturalization provided by INS, such as Identification Cards for use of Resident Citizens in the U.S. (INS Form 1-179 or INS Form I-197) or U.S. passports. If the above forms of verification cannot be obtained and the person can provide a reasonable explanation as to why verification is not available, a signed statement will be accepted from someone who is a U.S. citizen which declares, under penalty of perjury, that the member in question is a U.S. citizen. The signed statement shall contain a warning of the penalties for helping someone commit fraud.

(Rule 1240-01-03-.10, continued)

Authority: T.C.A. § 14-8-106 and 43 C.F.R. 224.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-01-03-.11 PROMPTNESS OF CASE ACTION - QUESTIONABLE CITIZENSHIP.

- (1) When there is a question as to whether a member of an HH/AG is in fact a U.S. citizen, prompt action is to be taken on the application as follows:
 - (a) Food Stamps. The member whose citizenship is in question shall be ineligible to participate and shall be treated as an excluded household member until proof of U.S. citizenship is obtained. If eligible, the remaining members of the household may be certified; however, all the income, less a pro rata share, and all the resources belonging to the person whose citizenship is questionable shall be considered available to the remaining household members.
 - (b) Cash Assistance under Title IV-A of the Social Security Act. The person whose U.S. citizenship cannot be verified within promptness standards will be excluded from the AG. Assistance payments for the remaining otherwise eligible persons will not be delayed. The income and resources of the excluded will not be taken into consideration in determining eligibility or the amount of payment unless the excluded person is a legally responsible relative of persons in the AG. When it is subsequently verified that the person is a U.S. citizen, he/she may be added to the AG, with no new application required. Payment retroactive to the date of application (but not prior to October 1, 1994) may be made if all other eligibility requirements were met at that time.

Authority: T.C.A. §§ 14-8-106 and 14-27-105; 7 C.F.R. 273.2(f)(2)(ii)(b); and 45 C.F.R. 224.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed May 17, 1983; effective June 16, 1983. Amendment filed April 4, 1997; effective June 18, 1997.

1240-01-03-.12 ELIGIBLE ALIENS.

- (1) Food Stamp Program.
 - (a) General Requirements. In addition to U.S. citizens, certain aliens who are otherwise eligible are eligible to receive food stamp benefits. The alien status of each individual in the AG listed on the application as an alien is to be determined prior to certification/approval. Immigration and Nationalization Service (INS) documents presented or secured by the applicant/recipient shall be the primary source of verification of alien status. The Systematic Alien Verification for Entitlements (SAVE) system will be used whenever possible to validate the alien's document and status.
 - (b) Description of Eligible Aliens.
 1. Citizens and eligible aliens. The Department shall prohibit participation in the program by any person who is not a resident of the United States and one of the following:
 - (i) A United States citizen.
 - (ii) An alien who meets one of the following conditions, who is otherwise eligible, may receive benefits for a period of seven (7) years after designated alien status is achieved:
 - (I) A refugee admitted to the United States under section 207 of the Immigration and Nationality Act;

(Rule 1240-01-03-.12, continued)

- (II) An alien granted asylum under section 208 of the Immigration and Nationality Act;
 - (III) An alien whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act;
 - (IV) An alien granted status as a Cuban or Haitian entrant under section 501(e) of the Refugee Education Assistance Act of 1980; or
 - (V) An alien admitted as an Amerasian immigrant under section 584 of the Foreign Operations, Export, Financing, and Related Programs Appropriations Act of 1988.
- (iii) A permanent resident alien who is designated a qualified alien may receive benefits, if otherwise eligible, for an unlimited period of time. A qualified alien is one who:
- (I) Has worked 40 qualifying quarters of coverage under Title II of the Social Security Act, or can be credited with such qualifying quarters;
 - I. Beginning January 1, 1997, any quarter in which an alien received any Federal means-tested public benefit (SSI, cash assistance under Title IV-A of the Social Security Act) is not counted as a qualifying quarter.
 - (II) Is a veteran of the U.S. Armed Forces, who was honorably discharged for reasons other than alienage;
 - I. The veteran must have met the minimum active-duty service requirements of section 5303A(d) of title 38, USC
 - II. Military personnel who die during active duty service are veterans.
 - III. Filipinos described in title 107, 38 USC are considered veterans.
 - (III) Is an active duty member of the U.S. Armed Forces (other than active duty for training);
 - (IV) Is the spouse or unmarried dependent child of an individual described in items (II) and (III) of this subpart.
- (iv) The requirements in 1240-01-03-.12(1)(b)1.(i)–(iii) shall not apply to an alien eligible for and participating in the Food Stamp Program at the time of the enactment of Public Law 104-193 (August 22, 1996) until the later of April 1, 1997 or the recertification of their household's eligibility, so long as such recertification has been completed by August 22, 1997.
- (v) Except as described in subpart (ii) of 1240-01-03-.12(1)(b)1., an individual designated as a qualified alien defined in 1240-01-03-.12(1)(b)1.(iii) who enters the United States on or after the date of enactment of PL 104-193 (August 22, 1996) is not eligible for any Federal means-tested public benefit for a period of five (5) years, beginning on the date of the alien's entry into the United States with a status of "qualified alien."

(Rule 1240-01-03-.12, continued)

- (vi) An otherwise eligible alien who on August 22, 1996 was lawfully residing in the United States and was receiving Supplemental Security Income benefits, is eligible for benefits in the Food Stamp Program.
 - (vii) An otherwise eligible disabled alien who on August 22, 1996 was lawfully residing in the United States and who is blind or disabled as defined by the Food Stamp Act of 1977, and who is receiving benefits or assistance for blindness or disability, is eligible for benefits in the Food Stamp Program.
 - (viii) An otherwise eligible individual who is an American Indian born in Canada to whom the provisions of Section 289 of the Immigration and Nationality Act (8 USC 1359) apply, or who is a member of an Indian tribe [as defined in Section 4(e) of the Indian Self-Determination and Education Assistance Act (25 USC 450b(e))], is eligible for benefits in the Food Stamp Program.
 - (ix) An otherwise eligible individual who on August 22, 1996 was lawfully residing in the United States and who was sixty-five (65) years of age or older, is eligible for benefits in the Food Stamp Program.
 - (x) An otherwise eligible child who on August 22, 1996 was lawfully residing in the United States and who is currently under age eighteen (18), is eligible for benefits in the Food Stamp Program.
 - (xi) An otherwise eligible individual who is lawfully residing in the United States and who was a member of a Hmong or Highland Laotian tribe at the time the tribe rendered assistance to United States personnel by taking part in a military or rescue operation during the Vietnam era (as defined in Section 101 of title 38, USC), his/her spouse or unmarried dependent child, and/or his/her unremarried surviving spouse, is eligible for benefits in the Food Stamp Program.
- (c) Eligibility of Sponsored Aliens. In determining the eligibility and amount of benefits of an alien for any Federal means-tested public benefits program, the income and resources of the alien shall be deemed to include:
- 1. All income and resources of any person who executed an affidavit of support under section 213A of the Immigration and Nationality Act on behalf of such alien;
 - 2. All income and resources of the spouse of any person described in subparagraph (b)1.(iii) of this paragraph;
 - 3. The income and resources specified in (1)(c)1. and 2. of this paragraph shall apply in determining eligibility at initial application and any reapplication for the alien until such time as the alien:
 - (i) Becomes a naturalized citizen of the United States; or
 - (ii) Has worked 40 qualifying quarters of coverage as defined under Title II of the Social Security Act, and for any qualifying quarters worked after December 31, 1996, was not a recipient of any Federal means-tested public benefit during that period.
 - 4. If, upon enactment of PL 104-193, a sponsor's income and resources are being deemed to an alien in determining his/her eligibility for any Federal means-tested

(Rule 1240-01-03-.12, continued)

public benefits program, the deeming provisions in (1)(c)1. and 2. of this paragraph are effective the day after the day of enactment of PL 104-193.

5. If, upon enactment of PL 104-193, no income and resources of a sponsor are being deemed to an alien in determining his/her eligibility for any Federal means-tested public benefits program, the deeming provisions in (1)(c)1. and 2. of this paragraph are effective at any eligibility determination beginning 180 days after the date of enactment of PL 104-193.

(2) Cash Assistance Program.

- (a) General Requirements. In addition to U.S. citizens, certain aliens who are otherwise eligible are eligible to receive Cash Assistance benefits. The alien status of each individual in the AG listed on the application as an alien is to be determined prior to certification/approval. INS documents presented or secured by the applicant/recipient shall be the primary source of verification of alien status. The Systematic Alien Verification for Entitlements (SAVE) system should be used to validate the alien's documents and status whenever possible.

- (b) Description of Eligible Aliens.

1. Citizens and eligible aliens. The Department shall prohibit participation in the program by any person who is not a resident of the United States and one of the following:
 - (i) A United States citizen;
 - (ii) An alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law, including certain aliens lawfully present in the United States as a result of the application of the following provisions of the Immigration and Nationality Act:
 - (I) Section 207(c), in effect after March 31, 1980 - Aliens Admitted as Refugees.
 - (II) Section 203(a)(7), in effect prior to April 1, 1980 - Individuals Who Were Granted Status as Conditional Entrant Refugees.
 - (III) Section 208 - Aliens Granted Political Asylum by the Attorney General.
 - (IV) Section 212(d)(5) - Aliens Granted Temporary Parole Status by the Attorney General.
 - (iii) An alien granted lawful temporary resident status pursuant to section 201, 302, or 303 of the Immigration Reform and Control Act of 1986 (PL 99-603) who must be either:
 - (I) A Cuban and Haitian entrant as defined in paragraph (1) or (2)(A) of section 501(e) of PL 96-422, as in effect on April 1, 1983, or
 - (II) An adult assistance applicant for OAA, AB, APTD, or AABD, or

(Rule 1240-01-03-.12, continued)

- (III) An applicant for Cash Assistance who is not a Cuban and Haitian applicant under part 3.(i) above who was adjusted to lawful temporary resident status more than five years prior to application.
 - (iv) All other aliens granted lawful temporary or permanent resident status, pursuant to sections 201, 302, or 303 of the Immigration Reform and Control Act of 1986, are disqualified for five years from the date lawful temporary resident status is granted.
 - (c) Aliens who apply for Cash Assistance for the first time must have the income and resources of their sponsor considered in determining their eligibility for assistance. The income and resources of the sponsor shall be considered for a period of three years after the alien's entry into the United States. A sponsor is a person who signed an affidavit or other statement accepted by INS as an agreement to support an alien as a condition of the alien's admission for permanent residence in the United States. The alien is responsible for obtaining the cooperation of his/her sponsor and for providing the information necessary to determine the alien's eligibility. This will include material provided in support of the alien's immigration application. Failure to obtain the sponsor's cooperation or to supply the information will result in denial/closure of the application/case. Aliens who are exempted from this provision are aliens who were: paroled into the United States as refugee; granted political asylum by the Attorney General; admitted as Cuban or Haitian entrants; admitted under Section 203(a)(7) of the Immigration and Nationality Act prior to April 1, 1980; admitted under Section 207(c) of the Act after March 31, 1980; alien children of sponsors or of sponsor's spouse; or recipients of AFDC prior to October 1, 1981, or a former AFDC or Families First recipient who reapplies in the future. Any alien under the sponsorship of a public or private agency/organization is not eligible to receive Cash Assistance within three years of entry into the country unless it is proven (and documented) that the agency is unable to meet their sponsorship obligations to the alien. (This may mean that the agency is no longer in existence.) The alien is required to submit documentary evidence as is available to facilitate this determination. Exception: An alien granted permanent resident status through the legalization process is ineligible for a five year period beginning with the date on which she/he was granted temporary resident status.
- 1. Establishing Income and Resource Amounts. The following steps are necessary in establishing the amount of income and resources which shall be deemed from the sponsor to the alien whether or not these are actually available to the alien.
 - (i) Income
 - (I) Determine the gross earned and unearned income of the sponsor and the sponsor's spouse (the latter's income will be considered even if the marriage occurred after the affidavit of support was executed). If the sponsor, and/or spouse receives Cash Assistance or SSI, no income is to be considered available to the alien.
 - (II) Deduct from the gross earned income (wages, salaries, or net earnings from self employment) 20% of the total of such amounts or \$175.00, whichever is less.
 - (III) Deduct the standard of need for the number of individuals living with the sponsor who are claimed by the sponsor and/or the sponsor's spouse as dependents for Federal personal income tax liability.

(Rule 1240-01-03-.12, continued)

- (IV) Deduct the amount the sponsor and/or his/her spouse pays to individuals outside the home who are claimed as dependents for Federal income tax purposes.
 - (V) Deduct any amount paid by the sponsor and/or his/her spouse for child support or alimony to individuals living outside the home.
 - (VI) The remaining income shall be considered as unearned income to the alien and shall be added to the alien's own income in determining eligibility for assistance.
 - (VII) Follow Cash Assistance budgeting procedures beginning with the Gross Income Standard test.
- (ii) Resources. The provision of considering the income and resources of the sponsor as available to the alien is not waived even though the sponsor may have revoked his/her sponsorship agreement. In those situations where the sponsor has absconded and his/her whereabouts is unknown, the alien(s) would not be eligible for assistance for the period of time for which the sponsor is liable for support, as need could not be established. Income and resources which are deemed to a sponsored alien shall not be considered available to unsponsored members of the alien's family except to the extent the income and resources are actually available. Unsponsored members are not ineligible simply because a sponsored member fails to provide information regarding his/her sponsor. The following are steps to be taken in determining the amount of resources to be deemed from the sponsor to the alien:
- (I) Determine the amount of countable resources of the sponsor and the sponsor's spouse as though the sponsor was applying for Cash Assistance.
 - (II) Deduct \$1500.00 from the total countable resources.
 - (III) The balance of the resources shall be considered available to the alien and added to the alien's own countable resources in determining eligibility.
2. Multiple Sponsorship. When it is determined that an individual has agreed to sponsor multiple families, the amount to be deemed to the eligible families shall be divided equally among the families who are applying for assistance. If only one family applies for Cash Assistance, then the total amount of the sponsor's liability (income and resources) shall be applied to the family so applying.
3. Liability for overpayments. Both the sponsor of the alien and the alien shall be jointly and severally liable for any overpayment made to such alien during the three year period following the alien's entry into the United States if such overpayment was due to the sponsor's failure to provide correct information except where it can be established that the sponsor was without fault or where good cause for failure to provide such information can be established. The same procedure for handling overpayments shall be applicable to aliens as for any other Families First recipient.
4. Establishing Good Cause - Good cause for failure of the sponsor to provide correct information to the Department includes the following:

(Rule 1240-01-03-.12, continued)

- (i) The Department fails to request information regarding the sponsor's income and resources.
- (ii) The sponsor has had no direct contact with the Department concerning his/her income and resources, and he/she is unaware of the information provided by the sponsored alien.
- (iii) Social and/or language barriers preclude the sponsor's understanding and ability to provide the correct information.
- (iv) Other unusual circumstances exist which indicate the failure to provide correct information is beyond the sponsor's control.

Authority: T.C.A. §§ 4-5-201, et seq., 14-1-105, 14-8-106, 14-27-104, 71-1-105, and 71-5-304; 8 USC § 1612(a)(2); 8 USC § 1613(a); 7 C.F.R. 273.8(c)(3), 273.9(b)(4), 273.11(h), and 273.11(j); 45 C.F.R. 224.50, 233.50(a) and (b)(1), 233.51, 233.51(c)(3), (g)(4) and (5), and 233.52; PL 98-369, § 2635; PL 104-193, § 403(a)-(d); PL 105-185, and § 503-508; and Federal Register, Volume 51, Number 60 (March 28, 1986). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 17, 1982; effective September 16, 1982. Amendment filed March 28, 1983; effective April 27, 1983. Amendment filed January 7, 1985; effective February 6, 1985. Amendment filed August 5, 1986; effective November 29, 1986. Amendment filed May 8, 1987; effective August 29, 1987. Amendment filed February 12, 1988; effective May 29, 1988. Amendment filed April 4, 1997; effective June 18, 1997. Amendment filed September 18, 2001; effective December 2, 2001.

1240-01-03-.13 INELIGIBLE ALIENS. All aliens other than those listed in 1240-01-03-.12 are ineligible for Food Stamp and Cash Assistance benefits. They shall not be included in an AG in either program. After five years, those eligible aliens listed in 1240-01-03-.12(1)(b)1.(ii) shall become ineligible for the Food Stamp Program.

Authority: T.C.A. §§ 4-5-202, 71-1-105, 71-3-157, and 71-3-158; PL 104-193; and 45 C.F.R. 233.50 and 233.51. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed April 4, 1997; effective June 18, 1997.

1240-01-03-.14 VERIFICATION OF ALIEN STATUS. Food Stamps and Cash Assistance. Verification of alien status must be presented by the applicant prior to approval/certification.

- (1) When the Department determines that a member of a household requesting Food Stamp benefits is in this country illegally, the Department will report that information to the INS.

Authority: T.C.A. §§ 4-5-202, 71-1-105, 71-3-157, and 71-3-158; PL 104-193; 7 C.F.R. 273.11; and 45 C.F.R. 233.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 19, 1982; effective September 16, 1982. Amendment filed August 5, 1986; effective November 29, 1986. Amendment filed May 8, 1987; effective August 29, 1987. Amendment filed February 12, 1988; effective May 29, 1988. Amendment filed April 4, 1997; effective June 18, 1997.

1240-01-03-.15 SOCIAL SECURITY ENUMERATION REQUIREMENTS. Enumeration is the procedure by which the Social Security Administration (SSA), in cooperation with the Department, assigns and/or verifies social security numbers (SSN) for AFDC or Food Stamp applicants/recipients. The SSN will be used by the Department only in the administration of the Family Assistance Program.

- (1) Enumeration.
 - (a) As a condition of eligibility to receive AFDC or Food Stamps each applicant/recipient must:

(Rule 1240-01-03-.15, continued)

1. Furnish to the Department a Social Security Account Number (SSN) or numbers if more than one has been issued, or
2. If an individual's account number is unknown or one has not been issued to him, application for an SSN must be filed.

This eligibility requirement applies to the grantee relative, caretaker, second parent and each child in the AFDC aid group and to each Food Stamp household member. A person who does not furnish or apply for a Social Security Number is not eligible to receive AFDC or Food Stamps. If an otherwise eligible A/R does furnish or apply for an SSN he/she may be approved for AFDC or Food Stamp benefits. Food Stamps Only. In the Food Stamp Program, if the household member is unable to provide the SSN prior to certification, he/she will be mandated to apply for one at the DHS county office, even if he/she applies for one directly to the SSA office prior to the Food Stamp application date.

(b) Informing Requirement.

1. Federal law and regulations require that each applicant or recipient be advised of the regulation requiring that he/she furnish a Social Security Number to this Department and how the number is to be used.
 - (i) Reserved for Future Use.
 - (ii) Reserved for Future Use.
 - (iii) Reserved for Future Use.
2. If, after an explanation is given, individual(s) who are required to furnish or apply for a Social Security Number refuse to do so, they shall be excluded from the AFDC aid group and shall be ineligible to participate in the Food Stamp Program.

(2) Mandatory Verification. Social Security Numbers shall be verified in one of the following ways:

(a) A/R with Social Security Card.

1. When an AFDC A/R has a Social Security Card which is viewed by the eligibility worker and there is evidence of a person's age, citizenship and identity in the case folder, the SSN on the person's Social Security Card will be considered a verified Social Security Number and will be entered on the Case Data Form at the time of case action. Observing the Food Stamp household member's Social Security Card or any official document containing the SSN, shall be sufficient for Food Stamp purposes. Once a Social Security Number has been verified it shall be reverified only if the identity of the individual or the SSN becomes questionable. No further action is required of the worker.
2. AFDC Only. Documentary evidence used to establish age, citizenship and identity must be that which is specified in Chapter III of the Welfare Enumeration Manual furnished by the Social Security Administration.

(b) Reserved for Future Use.

(c) Reserved for Future Use.

(d) Reserved for Future Use.

(Rule 1240-01-03-.15, continued)

- (e) Applicant/Recipient Applies Directly to SSA Office for Social Security Number Prior to Application Date. For the Food Stamp Program, if, at application the household member informs the worker that he/she does not have an SSN, but applied for one at the SSA Office prior to the application date, the worker shall advise the household member to apply for his/her SSN at the county office. The household must be informed that his/her application for food stamps cannot be approved until he/she either furnishes the SSN or applies for one at the DHS county office. In AFDC, if the worker is informed that application for the SSN was made directly to SSA, the worker shall request proof of such application. Form SSA 5028, Receipt for Application for a Social Security Number, may be used for that purpose. If the A/R is unable to provide such proof and does not wish to delay the approval process, the worker is to inform the A/R that application for the SSN may be made at the DHS county office. The A/R must also be informed that his/her eligibility for AFDC cannot be determined prior to providing the SSN, providing proof of application for one, or applying for one at the DHS county office.
- (f) Bendex and SDX. Matching a reported Social Security Number with information supplied by the Social Security Administration (SSA) such as Bendex SDX computer tapes or printouts is also an acceptable method of verifying an SSN.
- (g) Food Stamps Only.
 - 1. Certification Prior to Receipt of a Social Security Number. Although a Social Security Number reported by the household must be verified, the worker shall not delay certification of an otherwise eligible household solely to validate any member's SSN, even if the 30 day processing period has not expired. As soon as all other steps necessary to certify a household are completed except for verification of an SSN, the worker shall certify the household. If verification of an already reported SSN is not completed at initial certification, it shall be completed at the time of or prior to the household's next recertification. Newly obtained Social Security Numbers shall be verified at recertification by use of Bendex, SDX or by observing the household member's Social Security Card or an official document containing the SSN.
 - 2. Failure to obtain a Social Security Number - Food Stamps Only. If a household member who has applied for an SSN has not received it by the end of the certification period, the worker shall complete another Form SS-5 at recertification. The household member without the SSN will be recertified, and may continue to participate in the Program as long as all other eligibility requirements are satisfied.
 - 3. Refusal to Provide or Apply for a Social Security Number - Food Stamps Only. If the household member refuses to apply for the SSN at the county office or refuses to provide the SSN, the individual(s) shall be excluded from participation until the SSN is provided, or until he/she applies for one at the county office. During the disqualification period, the affected member's income and resources, shall be treated in accordance with Section 1240-01-02-.02(6)(b)2. Exclusion from participation applies only to the individual who refuses to provide/apply for the SSN at the county office, and not to the entire household.
- (h) Special Situations - AFDC
 - 1. SSA will not accept an application for a SSN for an unborn child. This application can be submitted only after the child is born.

(Rule 1240-01-03-.15, continued)

- (i) Reserved for Future Use.
- (ii) Reserved for Future Use.
- 2. Reserved for Future Use.
- 3. Reserved for Future Use.

Authority: T.C.A. §§ 14-8-106, 14-27-104, and 14-27-105; 7 C.F.R. 273.6; and 45 C.F.R. 306.10 and 232.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed March 28, 1983; effective April 27, 1983. Amendment filed May 17, 1983; effective June 16, 1983.

1240-01-03-.16 AGE REQUIREMENTS - FOOD STAMPS ONLY.

- (1) There is no requirement regarding age for Food Stamps eligibility purposes.
- (2) There are other eligibility requirements in which age is related factor.
- (3) At any time that a factor of eligibility is questionable, verification of the client's statement is to be requested.

Authority: T.C.A. § 14-8-106 and 45 C.F.R. 224.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-01-03-.17 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-3-102, 14-8-103, 14-8-106, 14-27-104, and 71-1-105; and PL 97-35. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed December 3, 1980; effective January 19, 1981. Repeal and new rule filed December 10, 1981; effective January 25, 1982. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.18 SCHOOL ATTENDANCE - FOOD STAMPS ONLY.

- (1) There is no eligibility requirement regarding school attendance for Food Stamp purposes.
- (2) There is a requirement that in order to be considered a student a person must attend school at least half-time and that such students between the ages of 18 and 60 must meet the criteria as specified in rule 1240-01-02-.02(6).

Authority: T.C.A. § 14-8-106 and 45 C.F.R. 224.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed December 3, 1980; effective January 19, 1981.

1240-01-03-.19 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-8-104, 14-8-106, 14-27-104, and 71-1-105; 7 C.F.R. 273.8; 45 C.F.R. 233.20; and PL 98-369 § 2642. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed December 10, 1981; effective January 25, 1982. Amendment filed July 20, 1982; effective October 13, 1982. Amendment filed January 7, 1985; effective February 6, 1985. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.20 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-8-106, and 71-1-105; 45 C.F.R. 244.50 and C.F.R. 233.60(c)(i)(iv)(A); and 42 USC § 606(a). **Administrative History:** Original rule filed August 15, 1980; effective September

(Rule 1240-01-03-.20, continued)

29, 1980. Amendment filed August 23, 1983; effective September 22, 1983. Amendment filed January 30, 1985; effective March 1, 1985. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.21 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-1-105, 14-8-106, and 71-1-105; and 45 C.F.R. 224.50 and 233.20. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed September 19, 1985; effective December 14, 1985. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.22 RESERVED.

Authority: T.C.A. §§ 14-1-105 and 14-8-106; and 45 C.F.R. 224.50 and 233.20. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed September 19, 1985; effective December 14, 1985.

1240-01-03-.23 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-1-105, 14-8-106, and 71-1-105; and 45 C.F.R. 224.50 and 233.20. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed September 19, 1985; effective December 14, 1985 (Formerly 1240-01-03-.22). Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.24 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-1-105, 14-8-106, and 71-1-105; and 45 C.F.R. 224.50 and 233.20. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed September 19, 1985; effective December 14, 1985. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.25 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-1-105, 14-8-106, and 71-1-105; and 45 C.F.R. 233.20. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed September 19, 1985; effective December 14, 1985. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.26 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-1-105, 14-8-106, and 71-1-105; and 45 C.F.R. 233.20. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed September 19, 1985; effective December 14, 1985. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.27 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-3-102, and 71-1-105; and 45 C.F.R. 233.10 and 233.90. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.28 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-3-102, 14-8-106, and 71-1-105; and 45 C.F.R. 233.10 and 233.90 (a)(1). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed December 17, 1982; effective March 16, 1983. Amendment filed August 23, 1983; effective September 22, 1983. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.29 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-8-102, 14-8-106, 14-8-122, 14-8-124, and 71-1-105; and 45 C.F.R. 232 and 233.90(c)(1)(ii). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 23, 1983; effective September 22, 1983. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.30 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 71-1-105, 71-3-102, and 71-3-106; and 45 C.F.R. 232.11, 232.12, and 233.90(c)(1)(iv). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 23, 1983; effective September 22, 1983. Amendment filed October 28, 1991; effective January 29, 1992. Repeal and new rule filed January 31, 1995; effective April 15, 1995. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.31 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 71-1-105, and 71-1-105(12); and 45 C.F.R. 233.90 and 233.20. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 23, 1983; effective September 22, 1983. Amendment filed January 30, 1984; effective March 1, 1985. Amendment filed January 31, 1995; effective May 31, 1995. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.32 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-1-105, 14-8-106, and 71-1-105; and 45 C.F.R. 231.11, 232.12, and 302.51. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 23, 1983; effective September 22, 1983. Amendment filed September 19, 1985; effective December 14, 1985. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.33 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-8-104, 14-8-106, and 71-1-105; and 45 C.F.R. 232.13, 235.70, 302.31(a)(3)(ii), 303.80(b)(c)(d)(e)(f), and 233.90(b)(4). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 23, 1983; effective September 22, 1983. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.34 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-8-106, 14-8-124, and 71-1-105; and 45 C.F.R. 224.50 and 232.11. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 23, 1983; effective September 22, 1983. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.35 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-8-106, 14-8-124, and 71-1-105; and 45 C.F.R. 232.12, 232.41, and 235.70. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 23, 1983; effective September 22, 1983. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.36 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-8-106, and 71-1-105; and 45 C.F.R. 232.11 and 232.40 through 232.47. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

(Rule 1240-01-03-.36, continued)

Amendment filed August 23, 1983; effective September 22, 1983. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.37 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-1-105, 14-8-106, and 71-1-105; and 45 C.F.R. 232.11 and 234.60 (a)(13). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 23, 1983; effective September 22, 1983. Amendment filed September 19, 1985; effective December 14, 1985. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.38 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-1-105, 14-8-106, and 71-1-105; and 45 C.F.R. 232.11, 232.12, and 234.60. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 23, 1983; effective September 22, 1983. Amendment filed September 19, 1985; effective December 14, 1985. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.39 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-8-106, and 71-1-105 and 45 C.F.R. 232.20. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.40 REPEALED.

Authority: T.C.A. §§ 14-1-104 and 14-27-104. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal filed September 19, 1985; effective December 14, 1985.

1240-01-03-.41 REPEALED.

Authority: T.C.A. §§ 14-1-105, 14-8-104, 14-8-106, and 14-27-104; PL 97-248 § 173; and 45 C.F.R. 224.50 and 232.20 (a). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed March 28, 1983; effective April 27, 1983. Repeal filed September 19, 1985; effective December 14, 1985.

1240-01-03-.42 RESERVED.

Authority: T.C.A. §§ 14-8-106 and 14-27-104; and 45 C.F.R. 224.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-01-03-.43 FOOD STAMP PROGRAM WORK REQUIREMENTS.

- (1) Each household member who is not exempt (as described in paragraph (2) below) must be registered for employment at the time of application for food stamps, and once every twelve months after initial registration.
- (2) Exemptions from Work Registration. The following persons are exempt from the work registration requirements:
 - (a) Persons younger than age 16 or older than 59;
 - (b) Persons age 16 or 17 who are not the head of household, or who are attending school, or who are enrolled in an employment training program on at least a half-time basis;
 - (c) Persons who are mentally or physically unfit for employment;

(Rule 1240-01-03-.43, continued)

- (d) Persons subject to and complying with any Families First work requirements;
 - (e) A parent or other household member who is responsible for the care of a dependent child under age 6 or an incapacitated person;
 - (f) Persons who receive unemployment compensation. Persons who have applied for, but have not begun to receive, unemployment compensation also are exempt if they were required to register for work as part of the unemployment compensation application process;
 - (g) Regular participants in drug addiction or alcoholic treatment and rehabilitation programs;
 - (h) Persons who are employed or self-employed and who are working at least 30 hours weekly or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours. This includes migrant and seasonal farmworkers who are under contract or similar agreement with an employer or crew chief to begin employment within 30 days;
 - (i) Students enrolled at least half-time in any generally and objectively recognized school, training program, or institution of higher education. Such students shall remain exempt during normal periods of class attendance, vacations, and recesses, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer).
- (3) Work Registrant's Responsibilities. Mandatory work registrants must:
- (a) Participate in an employment and training program if assigned by the State;
 - (b) Provide sufficient information to allow the Department to determine employment status or the job availability of the individual;
 - (c) Report to an employer to whom referred by the State, unless the potential employment is "unsuitable" as determined under paragraph (4);
 - (d) Accept a bona fide offer of employment unless the employment is "unsuitable" as determined under paragraph (4).
- (4) Unsuitable Employment. Examples of unsuitable employment include, but are not limited to, the following:
- (a) The wage offered is less than the federal minimum wage, or 80% of the federal minimum wage when the federal minimum wage is not applicable;
 - (b) The wage offered is on a piece-rate basis and the average hourly yield that the employee reasonably can be expected to earn is less than the federal minimum wage;
 - (c) As a condition of employment, the household member is required to join, resign from, or refrain from joining any legitimate labor organization;
 - (d) The work offered is at a site subject to a strike or lockout at the time of the offer, unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (commonly known as the Taft-Hartley Act), or unless an injunction has been issued under Section 10 of the Railway Labor Act;
 - (e) The degree of risk to health and safety is unreasonable;

(Rule 1240-01-03-.43, continued)

- (f) The person is physically or mentally unable to perform the employment;
 - (g) The employment offered within the first 30 days of registration is not in the member's major field of experience;
 - (h) The distance from the member's home to the place of employment is unreasonable considering the expected wage and the time and cost of commuting;
 - (i) The working hours or nature of the employment interferes with the member's sincerely held religious observances, convictions, or beliefs;
 - (j) Other good reasons that would lead a reasonable person to conclude the employment is unsuitable for the individual.
- (5) Special Requirements for Non-Exempt Able-Bodied Adults Without Dependents.
- (a) A household member who is otherwise eligible for food stamp benefits, who is at least 18 years of age but not yet 51 years of age, may not participate in the food stamp program if, during the preceding 36-month eligibility period, he/she received food stamps for at least five (5) months (separate or consecutive) during which he/she did not:
 - 1. Work at least 20 hours per week, averaged monthly;
 - 2. Participate in and comply with the requirements of a work program approved by the Department, for at least 20 hours per week; such programs include:
 - (i) A program under the Job Training and Partnership Act;
 - (ii) A program under section 296 of the Trade act of 1974;
 - (iii) An employment and training program operated by a state or political subdivision of the state and approved by the Governor, other than a job search or a job search training program.
 - 3. Participate in and comply with the requirements of any state-established workfare program that may be implemented.
 - (b) The requirements in (5)(a) above shall not apply to an individual who is:
 - 1. Under 18 or over 50 years of age;
 - 2. Medically certified as physically or mentally unfit for employment;
 - 3. A parent or other household member who has primary responsibility for the care of a dependent child;
 - 4. A pregnant woman; or
 - 5. Has regained eligibility to participate in the food stamp program by, during a 30-day period:
 - (i) Working 80 or more hours;

(Rule 1240-01-03-.43, continued)

- (ii) Participating in and complying with the requirements of a work program for 80 or more hours, as determined by the Department; or
- (iii) Participating in and complying with the requirements of any state established work-fare program that may be implemented.
- (c) An individual who regains eligibility by meeting the requirements of (5)(b) above shall remain eligible as long as he/she continues to meet the requirements of (5)(a) above.
- (d) An individual who regained eligibility by meeting the requirements of (5)(b) above, but no longer meets the requirements under (5)(a) above, is not eligible for any food stamp benefits in any household for more than a single consecutive 3-month period in any 36-month period.

Authority: T.C.A. §§ 4-5-201, *et seq.*, 14-8-106, 14-27-104, 71-1-105, 71-1-105(12), 71-3-154(h), and 71-5-304; 7 USC § 2015(d) and (o); 45 C.F.R. 244.50; 7 C.F.R. 273; 7 C.F.R. 273.7; 49 PL 104-93 § 824; and Federal Register 39036, 51, and Federal Register 250 (December 31, 1986). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 28, 1981; effective October 13, 1981. Amendment filed March 22, 1985; effective April 21, 1985. Amendment filed May 8, 1987; effective August 29, 1987. Repeal and new rule filed May 8, 1987; effective August 29, 1987. Amendment filed April 4, 1997; effective June 18, 1997. Amendment filed September 18, 2001; effective December 2, 2001. Amendment filed January 31, 2003; effective April 16, 2003. Amendment filed February 27, 2004; effective May 12, 2004.

1240-01-03-.44 EMPLOYMENT AND TRAINING COMPONENTS. The Department of Human Services will establish employment and training components for food stamp applicants and recipients. Mandatory work registrants and volunteers may be assigned to or exempted from such components based on criteria established by the department.

Authority: T.C.A. §§ 14-8-106 and 14-27-104; 7 C.F.R. 273.7, 273.8, and 273.9; 49 Federal Register 39036; 45 C.F.R. 224.50; and 51 Federal Register 250 (December 31, 1986). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed November 6, 1980; effective December 22, 1980. Amendment filed March 22, 1985; effective April 21, 1985. Amendment filed April 15, 1986; effective July 14, 1986. Repeal and new rule filed May 8, 1987; effective August 29, 1987.

1240-01-03-.45 FAILURE TO COMPLY, GOOD CAUSE, AND DISQUALIFICATION.

- (1) When a non-exempt individual fails or refuses to comply with the requirements set out in 1240-01-03-.43, without good cause, the individual will be ineligible to participate in the Food Stamp Program for:
 - (a) The first violation, one (1) month or until compliance, whichever is later;
 - (b) The second or subsequent violation, 3 months or until compliance, whichever is later.
 - (c) During the period of disqualification, the individual will be treated as an excluded household member as described in § 1240-01-04-.17(7)(a)1.(ii).
- (2) Determining Good Cause. Good cause for failure to comply with the Food Stamp Program work requirements includes circumstances beyond the household member's control, such as, but not limited to:
 - (a) Personal illness, or illness of another household member which requires the individual's presence;

(Rule 1240-01-03-.45, continued)

- (b) Household emergencies which prevent compliance;
 - (c) Lack of transportation;
 - (d) The lack of adequate child care for children who have reached age 6, but are under age 12.
- (3) Implementing the Disqualification.
 - (a) Within 10 days of determining that the noncompliance was without good cause, the county office will authorize the adverse action and a 10-day adverse action notice will be sent to the individual or household. The notice will specify:
 - 1. The particular act of noncompliance committed;
 - 2. The proposed period of disqualification and that the individual or household may reapply at the end of the disqualification period;
 - 3. A description of the action which can be taken to end or avoid the sanction.
 - (b) The disqualification period will begin with the first month following the expiration of the adverse action notice period, unless a fair hearing is requested.
 - (c) Each individual or household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to a determination of nonexempt status or a determination of failure to comply with the work registration or employment and training requirements.
- (4) Ending the Disqualification.
 - (a) The disqualification for failure to comply with the work requirements will continue until the member who caused the violation complies with the requirement or becomes exempt from the requirement (other than exemption through the cash assistance program under Title IV-A of the Social Security Act or unemployment compensation work requirements), or for 3 months, whichever is later.
 - (b) If any household member who failed to comply joins a new household, the individual will remain ineligible for the rest of the disqualification period.
- (5) Failure to Comply with a Families First work requirement which results in a disqualification for benefits in that program for a household or a household member will result in a ten percent (10%) reduction in the household's food stamp allotment.

Authority: T.C.A. §§ 4-5-201, et seq., 4-5-202, 71-1-105, 71-3-157, and 71-3-158; PL 104-193; and 7 C.F.R. 273.7(g). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed November 6, 1980; effective December 22, 1980. Amendment filed August 28, 1981; effective October 13, 1981. Repeal and new rule filed May 8, 1987; effective August 29, 1987. Amendment filed April 4, 1997; effective June 18, 1997. Amendment filed September 18, 2001; effective December 2, 2001.

1240-01-03-.46 DISQUALIFICATION FOR VOLUNTARILY QUITTING A JOB OR REDUCING WORK EFFORT. A household member who voluntarily quits his/her job of at least twenty (20) hours per week or voluntarily reduces his/her work hours to less than thirty (30) hours per week, without good cause, is subject to disqualification from participation in the Food Stamp Program.

(Rule 1240-01-03-.46, continued)

- (1) A household member who voluntarily quits a job of less than twenty (20) hours per week will be disqualified from the program if his/her weekly earnings were at least equivalent to the federal minimum wage multiplied by twenty (20) hours.
- (2) The provision in 1240-01-03-.46(1) does not apply when:
 - (a) For applicant households, a voluntary quit or voluntary reduction occurred more than sixty (60) days prior to the date of application, unless the household was receiving benefits at the time of the quit or reduction, but the Department did not learn about it until reapplication.
 - (b) The individual was on leave from a paid position of employment pursuant to the provisions of the Family Medical Leave Act of 1993, unless the individual does not return to work at the end of the period of leave.
 - (c) An involuntary reduction of work hours is imposed.
 - (d) The individual terminates a self-employment enterprise.
 - (e) The individual resigns from a job at the demand of the employer.
 - (f) The household member who quit his/her job secures new employment at comparable wages or hours and is then laid off, or through no fault of his own loses the new job. In this instance the earlier quit will not require his/her disqualification.
 1. "Comparable wages or hours" does not require that the new job pay equal wages or provide equal hours of work; consideration must be given to new employment which might entail fewer hours or a lower salary, but which offers greater opportunities to improve job skills for future advancement.
 - (g) The individual was determined to have quit or reduced his/her hours with good cause.
- (3) Determining Good Cause. Good cause for quitting a job or reducing the hours of employment includes, but is not limited to:
 - (a) The job is determined to be unsuitable, as described in 1240-01-03-.43(4);
 - (b) Circumstances beyond the individual's control, such as illness, illness of another household member which requires the individual's presence, a household emergency, or unavailability or transportation;
 - (c) Discrimination by an employer based on age, sex, race, color, handicap, religious beliefs, national origin, or political beliefs;
 - (d) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;
 - (e) Enrollment or at least half-time in any recognized school, training program or institution of higher learning that requires the household member to leave employment or reduce work hours;
 - (f) Another household member has accepted employment or enrolled at least half-time in a recognized school, training program, or institution of higher education in another county, which requires the household to relocate;

(Rule 1240-01-03-.46, continued)

- (g) Resignation by a person under age sixty (60) which is recognized by the employer as retirement;
 - (h) The individual accepted a bona fide offer of employment of more than twenty (20) hours a week or in which the weekly earnings are equivalent to the Federal minimum wage multiplied by twenty (20) hours which, because of circumstances beyond the person's control, the new job does not materialize or results in employment of less than twenty (20) hours a week or weekly earnings of less than twenty (20) times the Federal minimum wage;
 - (i) The individual left a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work. The household may apply for food stamps between jobs, particularly when work is not yet available at the new job site. In such instances, the individual will be considered to have quit for good cause if this is a normal pattern of that type of employment.
- (4) An employee of the Federal government, or of a state or local government who participates in a strike against such government, and is dismissed from his/her job because of participation in the strike, shall be considered to have voluntarily quit his/her job without good cause.
- (5) Verification of Voluntary Quit/Good Cause Determination.
- (a) The household has the primary responsibility for providing verification of questionable information related to the voluntary quit/reduction and good cause determination. When it is difficult or impossible for the household to obtain evidence in a timely manner, the county will offer to assist the household. Acceptable sources of verification include but are not limited to:
 - 1. The previous or current employer;
 - 2. Employee associations;
 - 3. Union representative;
 - 4. Grievance committees and organizations;
 - 5. When documentary evidence cannot be obtained, the case manager is responsible for obtaining verification from an acceptable collateral contact provided by the household.
 - (b) When the circumstances of the quit/reduction cannot be verified for good reasons, the individual member will not be denied participation in the program. Examples of good reasons are resignation from employment due to discriminatory practices or unreasonable demands by the employer, or because the employer cannot be located.
- (6) Implementing a Voluntary Quit/Reduction of Work Hours Disqualification.
- (a) Applicant Households. When a determination is made that good cause did not exist for the voluntary quit or reduction, the individual will be disqualified from participating in the Food Stamp Program, as follows:
 - 1. For the first violation, one (1) month or until compliance, whichever is later;
 - 2. For the second or subsequent violation, three (3) months or until compliance, whichever is later;

(Rule 1240-01-03-.46, continued)

3. The household shall be provided a notice of denial explaining the proposed period of disqualification, the right to reapply at the end of the sanction period, and the right to a fair hearing.
 - (b) Participating Households. When a determination is made that good cause did not exist for the voluntary quit or reduction, the individual will be disqualified from participating in the Food Stamp Program, effective the month following the expiration of the notice of adverse action, as follows:
 1. For the first violation, one (1) month or until compliance, whichever is later;
 2. For the second or subsequent violation, three (3) months or until compliance, whichever is later;
 3. The household shall be provided a termination notice explaining the proposed period of disqualification, the right to reapply at the end of the sanction period, and the right to a fair hearing.
 4. When a participating household requests a fair hearing, with benefits to continue, and the Department's action is upheld, the disqualification will begin the first month after the decision is rendered.
 - (c) When a disqualified individual joins another household, the sanction will follow the individual who caused the disqualification, and the remainder of the sanction period will apply to that individual.
- (7) Ending the Disqualification.
- (a) Disqualification of an individual shall be applied for the appropriate minimum time period even if the household member cures the disqualification during that period.
 1. If an individual has failed to comply at the end of the minimum disqualification period, the disqualification shall continue until the individual cures the disqualification or becomes exempt from work registration requirements.
 2. To cure the disqualification, the member must obtain employment comparable to the employment he/she quit, or increase work hours to at least thirty (30) hours per week unless such an increase is no longer possible through no fault of the employee.
 - (b) Eligibility may be reestablished during a disqualification period if the member who caused the disqualification becomes exempt from the work registration requirements, other than through the work requirements of a program under Title IV-A of the Social Security Act or Unemployment Compensation.

Authority: T.C.A. §§ 4-5-201, et seq., 14-27-104, and 71-5-304; 7 C.F.R. 273.7; 7 C.F.R. 273.7(d)(2); 7 C.F.R. 273.7(h); 7 C.F.R. 273.7(n)(1)-(5); 7 USC § 2015(d)(1)(A)(v); 7 USC § 2014(g); and 51 Federal Register 250 (December 31, 1986). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. New rule filed August 28, 1981; effective October 13, 1981. Repeal and new rule filed May 8, 1987; effective August 29, 1987. Amendment filed April 4, 1997; effective June 18, 1997. Amendment filed September 18, 2001; effective December 2, 2001.

1240-01-03-.47 REPEALED.

Authority: T.C.A. §§ 14-8-106 and 14-27-104; 7 C.F.R. 224.50; and 51 Federal Register 250 (December 31, 1986). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal filed May 8, 1987; effective August 29, 1987.

1240-01-03-.48 REPEALED.

Authority: T.C.A. § 14-27-104; 7 C.F.R. 273.7; 49 Federal Register 39036; and 51 Federal Register 250 (December 31, 1986). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed November 6, 1980; effective December 22, 1980. Amendment filed August 28, 1981; effective October 13, 1981. Amendment filed March 22, 1985; effective April 21, 1985. Repeal filed May 8, 1987; effective August 29, 1987.

1240-01-03-.49 REPEALED.

Authority: T.C.A. §§ 4-5-202 and 71-1-105; 42 USC § 601, Repealed; PL 100-485, Title 11, § 202(a), October 13, 1988; and Acts of 1996, Chapter 950 § 26. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed December 10, 1981; effective January 25, 1982. Repeal and new rule filed November 21, 1985; effective February 12, 1986. Repeal filed July 28, 2000; effective October 11, 2000.

1240-01-03-.50 REPEALED.

Authority: T.C.A. §§ 4-5-202 and 71-1-105; 42 USC § 601, Repealed; PL 100-485, Title 11, § 202(a), October 13, 1988; and Acts of 1996, Chapter 950 § 26. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. New rule filed October 15, 1984; effective January 15, 1985. Repeal and new rule filed November 21, 1985; effective February 12, 1986. Repeal filed July 28, 2000; effective October 11, 2000.

1240-01-03-.51 RESERVED.

Authority: T.C.A. § 14-8-106 and 45 C.F.R. 224.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-01-03-.52 REPEALED.

Authority: T.C.A. § 14-8-106; PL 97-35; 45 C.F.R. 224.20; and PL 98-368 § 2631. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed December 10, 1981; effective January 25, 1982. Amendment filed January 7, 1985; effective February 6, 1985. Repeal filed November 21, 1985; effective February 12, 1986.

1240-01-03-.53 REPEALED.

Authority: T.C.A. §§ 4-5-202 and 71-1-105; 42 USC § 601, Repealed; PL 100-485, Title 11, § 202(a), October 13, 1988; and Acts of 1996, Chapter 950 § 26. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed November 21, 1985; effective February 12, 1986. Repeal filed July 28, 2000; effective October 11, 2000.

1240-01-03-.54 REPEALED.

Authority: T.C.A. §§ 4-5-202 and 71-1-105; 42 USC § 601, Repealed; PL 100-485, Title 11, § 202(a), October 13, 1988; and Acts of 1996, Chapter 950 § 26. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed November 21, 1985; effective February 12, 1986. Repeal filed July 28, 2000; effective October 11, 2000.

1240-01-03-.55 REPEALED.

Authority: T.C.A. §§ 4-5-202 and 71-1-105; 42 USC § 601, Repealed; PL 100-485, Title 11, § 202(a), October 13, 1988; and Acts of 1996, Chapter 950 § 26. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed May 17, 1983; effective June 16, 1983. Repeal and new rule filed November 21, 1985; effective February 12, 1986. Repeal filed July 28, 2000; effective October 11, 2000.

1240-01-03-.56 REPEALED.

Authority: T.C.A. § 14-8-10 and 42 USC 614. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal filed November 21, 1985; effective February 12, 1986.

1240-01-03-.57 RESERVED.

Authority: T.C.A. § 14-8-106 and 45 C.F.R. 224.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-01-03-.58 RESERVED.

Authority: T.C.A. § 14-8-106 and 45 C.F.R. 224.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-01-03-.59 RESERVED.

Authority: T.C.A. § 14-8-106 and 45 C.F.R. 224.50. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-01-03-.60 REPEALED.

Authority: T.C.A. §§ 4-3-1204, 14-8-106, and 71-1-105; and 45 C.F.R. 233.106. **Administrative History:** Original rule filed August 17, 1982; effective September 16, 1982. Repeal filed February 20, 2024; effective May 20, 2024.

1240-01-03-.61 REPEALED.

Authority: T.C.A. §§ 14-8-106(2) and 14-27-104(2); PL 97-253 § 6(c)(1); 7 C.F.R. 272.1 and 273.21; and 45 C.F.R. 233.31 through 233.37. **Administrative History:** Original rule filed August 17, 1982; effective September 16, 1982. Amendment filed May 17, 1983; effective June 16, 1983. Amendment filed December 6, 1983; effective January 5, 1984. Repeal filed March 1, 1991; effective April 13, 1991.